

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ORIGINAL

JOHN CLEARY,  
Plaintiff

v.

KENNETH KYLER, ET AL,  
Defendants

: CIVIL ACTION NO. 00-2125

: (JUDGE CALDWELL)

FILED

OCT 26 2001

PER 9/8  
HARRISBURG, PA. DEPUTY

PLAINTIFFS REQUEST FOR DOCUMENTS

Authority: Fed. R. Civ. P., Rules 26, 30 through 33, and  
L.R. 5.4(c).

TO THE JUSTICE of said court:

1.) Plaintiff has requested documents of discovery from the defendants, who have only provided partial discovery documents.

2.) Plaintiff has filed a motion of objection to the defendant's notice of Deposition.

3.) Defendants have intentionally, consciencely, and willingly sought to intimidate and retaliate against plaintiff by way of its affiliation in the Department of Corrections at the State Institution at Pittsburgh.

4.) Plaintiff has recieved a misconduct (No. A287023) see attached; for refusing to go to S.C.I. Camphill for a deposition which plaintiff has objected to by way of said motion in this court, which puts further risk, strain, and detriment upon the plaintiff's liberty, person, and property.

5.) Defendants have continuously denied plaintiff's request of documents as burdensome, irrelevant, and/or vexatious.

6.) Defendants do not know plaintiff's defense or use of documents in motions, pre-trial or trial.

7.) Plaintiff avers that unless the defendants comply with his legal requests of documents, Plaintiff will not comply in the defendant's request of deposition.

8.) Plaintiff has fully complied with defendant's discovery requests and asks that this court intervene in this process.

9.) The plaintiff's request of discovery are as follows:

a) copies of all grievances (DC-804) and the dispositions thereof, filed by prisoners housed in the S.M.U. at Camphill between October 10, 1997 and September 27, 1999, involving inmate mail.

b) Copies of C.C.D.C. year books from 1997, until 2001.

c) The reports of defendant's records pertaining to progress, reprimands, and actions taken against defendants in or within their job duties.

d) The investigation reports of these matters, including but not limited to the Internal Affairs reports.

e) The OM-1 administrative policy procedures.

f) Each of defendant's current and/or former association and membership in/or on a board or commission to an agency entity, and/or unit within the Commonwealth of Pennsylvania

g) Plaintiff's DC-17X housing report from October 10, 1997 until September 27, 1999.

h) Defendant's computer tracking record of plaintiff's incoming and outgoing inmate mail, from October 10, 1997 and September 27, 1999.

i) Defendant's psychological, psychiatric, and classification records, et. seq. of the plaintiff, including, but not limited to the psychological report filed by S.C.I. Cresson for the plaintiff's admission to the S.M.U. at Camphill.

j) The Department of Corrections employee's Code of Ethics handbook, revised edition.

10.) The Supreme Court broadly described the primary purpose of 1983 in the following terms:

"The very purpose of §1983 was to interpose the federal courts between states and the people, as guardians of the people's federal rights - to protect the people from unconstitutional action under color of state law," whether that action be executive, legislative, or judicial", see Mitchum v. Foster, 407 U.S. 225, 238-39, 92 S.Ct. 2151, 32 L.Ed.2d. 705 (1972)

Wherefore, Plaintiff request that this court grant this motion.

October 18, 2001.

DATED:

x 

John Cleary #DF5779

PO Box 99901

Pittsburgh, Pa 15233

FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		A 287023	
Rev. 6-84		<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number 15719	Name CLARY JOHN	Institution SCIP	Incident Time 24 Hr. Base 2020	Incident Date 10/16/01	Date of Report 10/16/01		
Quarters F208	Place of Incident K UNIT						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
	BEYERS COI		<input checked="" type="checkbox"/>				
MISCONDUCT CHARGE OR OTHER ACTION							
CLASS B #35 Release on 10/20/01							
STAFF MEMBER'S VERSION							
<p>on the above date and approx. time 7 ordered inmate CLARY to go out the I.D. Room with his property to be processed for the van on 10/12/01. CLARY at this point refused to get in the van, he told me he would not go. I ordered him to go out to the I.D. Room again. CLARY then refused stating he would not go. Capt. Cole was notified of this incident.</p>							
IMMEDIATE ACTION TAKEN AND REASON							
<p>PRE-HEARING CONFINEMENT</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>IF YES: TIME DATE</p> <p>FORMS GIVEN TO INMATE: <input type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input type="checkbox"/> INMATE'S VERSION</p>							
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		DATE AND TIME INMATE GIVEN COPY			
Robert A. Gibson		[Signature]		DATE		TIME 24 HOUR BASE	
10-17-01		[Signature]		10-17-01		3:00	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE				Misconduct Category		Signature of Person Serving Notice	
10-17-01				<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		[Signature]	

## NOTICE TO INMATE

You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.

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DEFENDANTS

CIVIL ACTION NO. 1-CV-00-2125  
(Judge Caldwell)

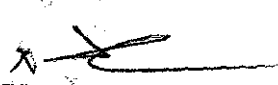
CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S.  
mail a true and correct copy of the foregoing Plaintiff's Request  
for Documents, upon the person(s) and manner indicated  
below.

service by first class mail  
addressed as follows:

Office of Chief Counsel  
Mr. Raymond W. Dorian  
Assistant Counsel  
55 Utley Drive  
Camphill, Pa 17011

John Cleary \*DFS779  
Box 99901  
Pittsburgh, Pa 15233

  
John Cleary WNC-779